

EDWARD F. POOLOS
DIRECTOR

JEFFERY W. KITCHENS
DEPUTY DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

KAY IVEY
GOVERNOR

CATEGORICAL EXCLUSION FROM ENVIRONMENTAL REVIEW

City of Piedmont Water Works, Gas and Sewer Board
Calhoun County
SRF Project No. CS010899-01

November 12, 2025

The Alabama Department of Environmental Management has made **\$700,000** in financial assistance available to the **City of Piedmont Water Works, Gas and Sewer Board** using funds from the Clean Water State Revolving Fund (**CWSRF**) loan program. In accordance with State and Federal regulations that govern the program, the Alabama Department of Environmental Management has conducted a review to assess potential impacts upon the environment that may result from implementation of this project.

The purpose of this project is to address various critical infrastructure needs for the City of Piedmont Water Works, Gas and Sewer Board's wastewater system. The scope of the project involves the replacement of existing sewer lift stations. Piedmont's scope of work will also include the rehabilitation of sewer lines using CIPP and the installation of UV disinfection which will replace the existing chlorine disinfection.

The Alabama Department of Environmental Management has determined that the project qualifies for a Categorical Exclusion (CE) from further environmental study under the guidelines specified by the State Environmental Review Process (SERP) which specifically include actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities. However, this decision may be reconsidered if significant adverse information concerning the potential environmental impacts of the project is discovered.

Comments relative to this project should be submitted in writing to Mr. Cade Runyan, E.I., SRF Section, Permits and Services Division, Alabama Department of Environmental Management, Post Office Box 301463, Montgomery, Alabama 36130-1463, no later than 30 days after the date of this CE. The Alabama Department of Environmental Management will not take formal action to proceed with the project without carefully evaluating any public comments opposing the project.

Edward F. Poolos
Director

EFP/MBM/TCR/kbh

Attachment

City of Piedmont Water Works, Gas and Sewer Board
SRF# CS010899-01



Birmingham Office
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Office
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Coastal Office
1615 South Broad Street
Mobile, AL 36605
(251) 450-3400
(251) 479-2593 (FAX)

The Categorical Exclusion is promulgated in the State Environmental Review Process (SERP) in Part IV, Section B: Categorical Exclusions for Clean Water State Revolving Fund Projects: (Italicized sections apply.)

1. The following clean water projects are eligible for categorical exclusions.

- a. *Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities;*
- b. Actions which do not effect the degree of treatment or capacity of the existing facility including, but not limited to, infiltration and inflow corrections, replacement of existing mechanical equipment or structures, and the construction of small structures on existing sites;
- c. Actions which are for minor upgrading and minor expansion of existing treatment works in sewerred communities with a population less than 10,000;
- d. Actions where on-site technologies are proposed in unsewered communities of less than 10,000;
- e. Construction of new wastewater collection systems for existing communities, only if ancillary or appurtenant to existing facilities;
- f. Projects where funding is being provided for planning and/or engineering costs only (in which case the requirements of IV.B.1 a-f do not apply)

2. In order to determine if a clean water project is eligible for a CE, all of the following conditions must not apply:

- a. The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, State, local, tribal or private actions.
- b. The action is known or expected to adversely impact:
 - a. Cultural resources areas such as archaeological and historical sites,
 - b. Endangered or threatened species and their critical habitats,
 - c. Environmentally important natural resources areas such as floodplains, wetlands, important farmlands, or aquifer recharging zones.
- c. This action is known (or expected not) to be cost-effective or to cause significant public controversy.
- d. The facilities to be provided will
 - a. Create a new, or
 - b. Significantly relocate an existing discharge to surface or ground waters.
- e. The facilities will result in more than 30% increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters.
- f. The facilities would provide capacity to serve a population 30% higher than

the anticipated design population.

This project complies with the above requirements and has been determined to be eligible for a Categorical Exclusion.

**CITY OF PIEDMONT
WATER, GAS AND
SEWER DEPARTMENT
WASTEWATER SYSTEM
IMPROVEMENTS EID
CWSRF CS010899-01**



Revised for Supplemental Loan Nov 2025

A. Existing Environment

- a. The City of Piedmont, Alabama is located in the northeast corner of Calhoun County near Cherokee County and Cleburne County. The city is located approximately ninety miles west of Atlanta, Georgia and ninety miles northeasterly of Birmingham, Alabama. The coordinates for the City of Piedmont is 33E55'25" north and 85E36'47" west. Access to the city is achieved by three main highways: U.S. Highway 278, Alabama Highway 9 and Alabama Highway 21.

B. Existing Facilities

- a. The sewage treatment facility is an aerated lagoon operating under NPDES AL0024376 with a design capacity of 1.55 MGD and a loading rate of 1,435 lbs/day of BOD5. The Municipal Water Pollution Prevention report for 2009 shows an average flow of 1.118 MGD and a loading rate of 1,486 lbs/day of BOD5.

C. Need For Proposed Facilities

- a. Sewer Line Repair or Rehabilitation
 - i. Slipline existing clay lines with pipe liner product to return the pipe to its original integrity.
 - ii. Seal all manholes from infiltration and inflow.
 - iii. Replace manholes which are in such bad shape that they cannot be repaired.
 - iv. Use pipe bursting to increase sewer line sizing to prevent backup from undersized piping.
- b. Sewer Lift Stations located at 5TH Avenue and Caldwell Street have pumps and equipment that are over twenty-five (25) years old. The normal useful life for pumps is twenty (20) years. The pumps are wearing out beyond normal maintenance requirements and no longer meet the required capacity for these stations. The current capacity of these stations are 600 gpm for the Caldwell Street Station and 600 gpm for the 5th Avenue Station.
- c. Install UV and aerators at the wastewater lagoon to meet recently received ADEM NPDES permit requirements.

D. Alternative Analysis

- a. Sewage Lift Stations - Do Nothing
- b. Sewage Lift Stations - Repair the lift stations with new piping and valves.
- c. Sewage Lift Stations - Repair the lift stations with repaired pumps, piping and valves.
- d. Sewage Lift Station - New Replacement- Replace all the piping, valves and pumps with new material.
- e. Sewer Line - Do Nothing
- f. Sewer Line- Rehabilitation using the CIPP method for lining.

- g. Sewer Line- Rehabilitation using the pipe bursting method by installing HDPE pipe
- h. Sewer Line- Install New Sewer Lines using C900 PVC pipe and relay existing sewer.
- i. Sewage Lagoon-Do nothing
- j. Sewage Lagoon- Install only the UV to replace existing chlorine disinfection to meet permit requirements
- k. Sewage Lagoon- Install new aerators to improve lagoon performance by helping to raise DO and reduce solids while continuing to use chlorine disinfection.
- l. Sewage Lagoon - Install UV and aerators to meet discharge permit. Replace existing chlorine disinfection with UV to meet current NPDES permit limits. Install aerators to provide better mixing and aeration to meet current discharge limits

E. Alternates Selected

- a. Sewer Lift Station Option #4 will be the best due to guarantee of longer life before needing replacement of pumps.
- b. Sewer Line Option for CIPP lining is the most cost effective dealing with sewer repairs.
- c. Lagoon Improvement Option for UV and aerator replacement are the best option for compliance with the NPDES discharge permit.

F. Physical Data

- a. Topography- Cumberland Plateau
- b. Geology- Middle Upper Cambrian
- c. Hydrological unit HUC 12-031501050905
- d. Climate
 - i. Avg Annual Temperature -63°F
 - ii. Average Annual Temperature Range 33°F to 90°F
 - iii. Average Annual Rainfall-54.5 inches
 - iv. Average Snowfall-1.4 inches
 - v. Length of Growing Season March - September
 - vi. Wind Speed and Direction Summer-6.1 mph
 - vii. Wind Speed and Direction Winter-8.1 mph
- e. Floodplain – see attached FIRM map
- f. Water Main Replacement Information- The main will be replaced by installing a new line parallel to existing line.

G. Environmental Consequences

- a. Historical/Archaeological Features-see attachment
- b. Endangered Species-see attachment
- c. Floodplain-see FIRM map attachment
- d. TVA-not applicable
- e. Alabama Power-not applicable
- f. Regional Planning Agency-see attached letter

- g. Environmental Justice – See attached EJ40 Map
- h. Pollution From Construction Activities – Construction activities consist of excavation , building and normal activities where the contractor is engaged in completing the project.
- i. Public Participation- see attachment

H. Supplemental Information

- a. Bids on lagoon were \$2,100,000.00
- b. This amount was over original funding.
- c. We combined DWSRF and CWSRF but still fell short on funds for project.
- d. Therefore we request additional fund through a supplemental loan.

ATTACHMENTS

- A. Correspondence Sent — Exhibit A
- B. Correspondence Received — Exhibit B
- C. Watershed Map — Exhibit C
- D. Flood Maps — Exhibit D
- E. Location Maps — Exhibit E
- F. Wetlands Map — Exhibit F
- G. Environmental Justice (EJ) Map — Exhibit G
- H. U. S. Fish and Wildlife Information — Exhibit H
- I. Public Meeting — Exhibit I
 - 1. Notice
 - 2. Sign In Sheet
 - 3. Minutes

EXHIBIT A



Utility Engineering Consultants, *LLC*

Phone : 205.951.3838
FAX : 205.951.3839
WEB : www.uecllc.com

130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

October 22, 2022

Ms. Amanda McBride, Environmental Review Coordinator
Alabama Historical Commission
463 South Perry Street
Montgomery, AL 36130-0900

**RE: Piedmont Water Works, Gas Sewer
 Wastewater System Improvements
 CWSRF Number CS010899-01**

Dear Ms. McBride:

Our project will consist of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. Center of town coordinates are 33.924931N, -85.611483W Please see attached map for information.

This work will not impact or disturb anything except existing units inside the previously disturbed areas. We believe this project would come under NWP 58. We are including a project Location Map of the area, and Section 106 review. We respectfully request your concurrence of these projects.

If you have any questions, please do not hesitate to call me at (205) 951-3838.

Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

By 
Dave B. Bechtel, P.E.

DBB

cc: Mr. Byrian Watts, Superintendent
 Mayor Bill Baker

Attachment: Location Map, and Section 106 Review

River City Propane
Piedmont, Alabama

Sewer System Improvements

Legend

-  Dollar General Market
-  Fagan's Auto
-  Feature 1
-  Piedmont
-  Proposed Water line
-  Sewer

 Sewer Lagoon Rehabilitation, 33.939793N, -85.596293

 Sewer Line Replacement, 33.933432N, -85.610153W

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 Lift Station Rehab

 Sewer Line Replacement, 33.933153N, -85.61138

 Station Rehab

 Dollar General Market

Cedartown Hwy

Nances Creek Ind Blvd

N Main St

E Ladiga St

Vigo Rd

 CVG Alabama

3000 ft





ALABAMA HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
SECTION 106 PROJECT REVIEW CONSULTATION FORM

Federal laws exist to ensure that federal agencies or their designated applicants carefully consider historic preservation in federally funded, licensed, or permitted projects. Section 106 of the National Historic Preservation Act of 1966, as amended directs this review. <http://www.achp.gov/106summary.html>. At a minimum, submission of this completed form and attachments constitutes a request for review by the Alabama Historical Commission, which is the Alabama State Historic Preservation Office (SHPO). **The responsibility for preparing documentation, including the identification of archaeological and architectural properties and the assessment of potential effects resulting from the project, rests with the federal or state agency, or its designated applicant.** The role of the Alabama SHPO is to review, comment, and consult with federal/state agencies or their designees. The Alabama SHPO's ability to complete a timely project review largely depends on the quality of the material submitted. Some applicants may find it advantageous to hire a professional consultant with expertise in archaeology, history and/or architectural history.

PROJECT NAME

FEDERAL AGENCY PROVIDING FUNDS, LICENSE, OR PERMIT

FEDERAL PROJECT NUMBER

FEDERAL AGENCY CONTACT NAME AND E-MAIL/PHONE NUMBER

STATE AGENCY PROVIDING FUNDS, LICENSE, OR PERMIT (IF APPLICABLE)

STATE AGENCY CONTACT NAME AND E-MAIL ADDRESS, PHONE NUMBER, MAILING ADDRESS

AHC NUMBER (If project has been previously submitted)

APPLICANT NAME:

APPLICANT MAILING ADDRESS:

APPLICANT TELEPHONE:

APPLICANT EMAIL:

CONTACT NAME (if different than applicant):

CONTACT MAILING ADDRESS:

CONTACT TELEPHONE:

CONTACT EMAIL (Person to whom AHC should email response letter):

CONTRACTOR TYPE: ☐ ARCHAEOLOGIST; ☐ ARCHITECTURAL HISTORIAN; ☐ NONE; ☐ OTHER:

CONTRACTOR NAME:

CONTRACTOR MAILING ADDRESS:

CONTRACTOR TELEPHONE:

CONTRACTOR EMAIL:

PROJECT LOCATION	
STREET ADDRESS	CITY
COUNTY	ZIP CODE
LATITUDE / LONGITUDE: USE DECIMAL DEGREES EXAMPLE: 32.3722N, -86.3083W	
PROJECT DESCRIPTION	
Will the project involve any of the following? Check all that apply. ☐ exterior rehabilitation work; ☐ interior rehabilitation work; ☐ cellular equipment located on buildings; ☐ streetscapes/sidewalks/lighting; ☐ new construction; and/or ☐ demolition Describe the overall project in DETAIL. Be sure to describe any items checked above. Use additional pages if necessary.	

AREA OF POTENTIAL EFFECT (APE)

The APE varies with project types and can be direct or indirect (physical, visual, auditory, etc.). The APE is defined as “the geographic area or areas within which an undertaking may cause changes in the character of use of historic properties, if any such properties exist.” Factors to consider when determining the APE include; topography, vegetation, existing development, orientation of an existing resource to the project, physical siting of a resource, and existing and planned future development. For example:

- 1) Rehabilitation, renovation, and/or demolition of a historic building or structure, or new construction: the APE might include the building itself and the adjacent setting.
- 2) Streetscapes: the APE might include the viewshed from the street.
- 3) Pedestrian/bicycle facilities: the APE might extend the length of the corridor and for some distance on both sides of the corridor.
- 4) Underground utilities: the APE would usually be limited to the area of ground disturbance.

Attach a map indicating the precise location of the project and the boundaries of the APE, preferably a clear color copy of a USGS topographic quadrangle map (7.5 minute). For projects in urban areas, also include a city map that shows more detail. USGS topographic maps can be printed from this website: <https://ngmdb.usgs.gov/topoview/viewer/>. City maps can be printed using www.google.com/maps.

Provide current, high resolution color photographs that illustrate the project area and the entire APE as defined above.

ARCHAEOLOGY (Ground Disturbing Activities)

Has the ground in the project area been disturbed other than by agriculture (i.e. grading, grubbing, clear cutting, filling, etc.)?

☐Yes ☐No ☐Don't know ☐N/A

If yes, describe in detail. Use additional pages as necessary. Photographs are helpful.

Describe the present use and condition of the property. Use additional pages as necessary.

To your knowledge, has a Cultural Resource Assessment (CRA) been conducted in the proposed project area?

☐Yes ☐No ☐Don't know ☐N/A

If yes, attach a copy of the cultural resources assessment report.

ARCHITECTURAL INFORMATION

Above-ground properties within the Area of Potential Effect (APE) should be evaluated for the eligibility for the National Register of Historic Places. It is the federal agency's (or their designee) responsibility to identify properties in the APE, apply the National Register (NR) criteria, and determine whether a property is eligible or not. Those determinations are sent to our office for review and comment. All properties evaluated should be accompanied by current photographs, and these locations should be keyed to a good quality USGS topographic map. Some applicants may find it advantageous to hire a historic preservation professional with expertise in history and/or architectural history to complete the identification and evaluation of historic properties. The Alabama Historical Commission publishes a GIS map of properties that have been documented by or through our office. The map includes properties listed in the National Register of Historic Places, Alabama Register of Landmarks & Heritage, Alabama Historic Cemetery Register, county architectural surveys, and other files. The GIS map can be accessed here: <https://ahc.alabama.gov/historicpreservationmap.aspx> The GIS map should function as a research tool, not an up-to-the-minute inventory about every historic and/or architecturally significant property in the state. This tool allows researchers to investigate and review potentially significant properties according to the best data that is available in the Alabama Historical Commission's files. The absence of a property from the map does not imply that an unidentified property lacks historic or architectural importance.

I) Within the APE, are there properties listed in or eligible for the National Register of Historic Places?

YES If yes, identify the properties by name, address, and photo number.

NO If no, identify the properties by name, address, and photo number. Provide an explanation as to why properties identified are not eligible for the National Register. A discussion of the National Register seven aspects of integrity and the applicable National Register criteria must be included. Refer to the National Park Service's website: https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf Use additional pages as necessary.

EFFECTS DETERMINATION

An effect occurs when an action alters the characteristics of a property that may qualify it for the National Register of Historic Places. How will this project affect any of the properties identified in the previous section? Will the project take away or change anything within the boundaries of a historic property? Will the project change the view from or the view to any historic properties? Will the project introduce any audible or atmospheric elements? Will the project result in the transfer, lease, or sale of any of the identified properties? Use additional sheets as necessary.

CHECKLIST: Did you provide the following information?

☐ Completed form.	☐ Photographs* of current site conditions and all identified historic properties keyed to a site map.
☐ Maps with project area, APE, and any historic properties marked and identified.	☐ For new construction, rehabilitations, etc., attach work plans, drawings, etc.
☐ Other supporting documents (if necessary to explain the project).	☐ Description of present use and condition of the project area.

*A note about photographs: Digital photos must be current, high resolution, and adequately show the resource. Take photographs of the overall property and the exterior of each building on the property, including outbuildings. Include views of the overall setting, views of the building in its immediate surrounding showing the relationship of the building to neighboring buildings, and views of significant landscape features (i.e. tree lined approaches, stone walls, formal gardens, etc.). Exterior views of the building should include full views of each side (if possible) and views of important architectural details. Key all photographs to a site map.

If the project involves rehabilitation, include photographs of the building(s) involved and especially the areas of the building slated for rehab work. Label each exterior view to a site map and label all interior views. If the project involves new construction, include photographs of the surrounding area looking out from the project site. Include photographs of any buildings that are located on the project property or on adjoining property.

NOTE: Section 106 regulations provide for a 30-day response time by the Alabama SHPO from the date of receipt. Project activities may not begin until our office has reviewed this information and issued comments.

Upon receipt, applications and attachments become the property of the State of Alabama.

For questions regarding this form or the Section 106 Review Process, contact Amanda McBride, Section 106 Coordinator, at 334.230.2692 or Amanda.McBride@ahc.alabama.gov.

All projects must be submitted digitally

E-mail this form and supporting documents to Section.106@ahc.alabama.gov This is the only approved e-mail address for project submission. Projects sent to any other e-mail address will not be accepted. The attachment size cannot exceed 19 MB. Alternatively, you may submit projects with larger attachments through an online system to be determined by the AHC.

Please limit your submission to cultural resources information only.

Contact Amanda McBride for any questions on digital submissions



Utility Engineering Consultants, *LLC*

Phone : 205.951.3838
FAX : 205.951.3839
WEB : www.uecllc.com

130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

October 22, 2022

Ms. Leslie E. Turney
Chief, North Branch
US Army Corps of Engineers – Regulatory Division
Mobile District – Birmingham Field Office
600 Vestavia Parkway, Suite 203
Vestavia Hills, Alabama 35216

**RE: Piedmont Water Works, Gas Sewer
 Wastewater System Improvements
 CWSRF Number CS010899-01**

Dear Ms. Turney:

Our project will consist of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. Center of town coordinates are 33.924931N, -85.611483W Please see attached map for information.

This work will not impact or disturb anything except existing units inside the previously disturbed areas. We believe this project would come under NWP 58. We are including a project Location Map of the area, Wetlands Map and FIRM Map. We respectfully request your concurrence of these projects.

If you have any questions, please do not hesitate to call me at (205) 951-3838.

Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

By 
Dave B. Bechtel, P.E.

DBB

cc: Mr. Byrian Watts, Superintendent
 Mayor Bill Baker

Attachment: Location Map, Wetlands Map, and FIRM Map

River City Propane
Piedmont, Alabama

Sewer System Improvements

Legend

-  Dollar General Market
-  Fagan's Auto
-  Feature 1
-  Piedmont
-  Proposed Water line
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 Sewer Lagoon Rehabilitation, 33.939793N, -85.596293

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 Station Rehab

 Dollar General Market

Cedartown Hwy

Nances Creek Ind Blvd

N Main St

E Ladiga St

Vigo Rd

CVG Alabama

Piedmont
Piedmont

Google Earth

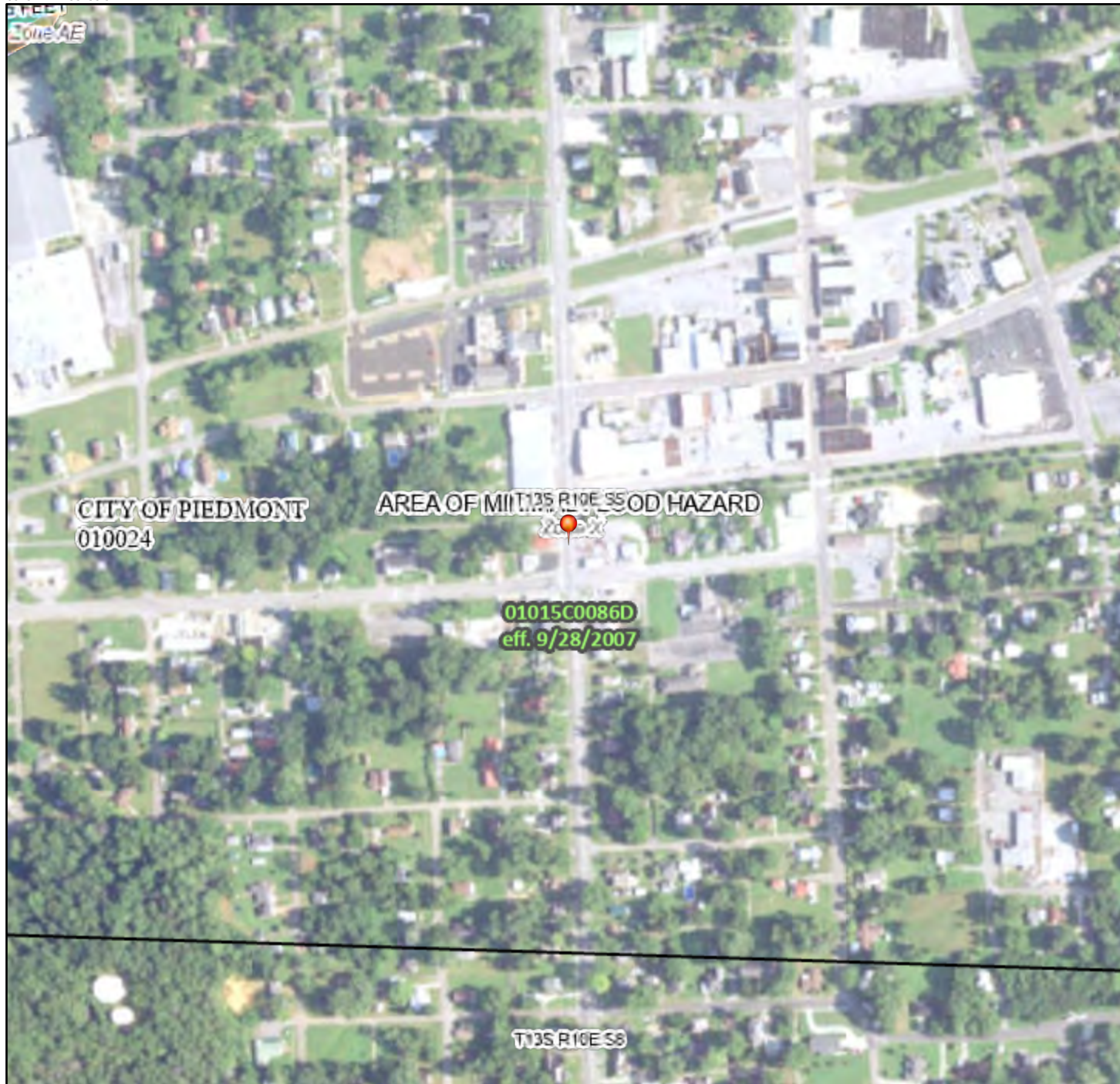
3000 ft



National Flood Hazard Layer FIRMette



85°37'7"W 33°55'34"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

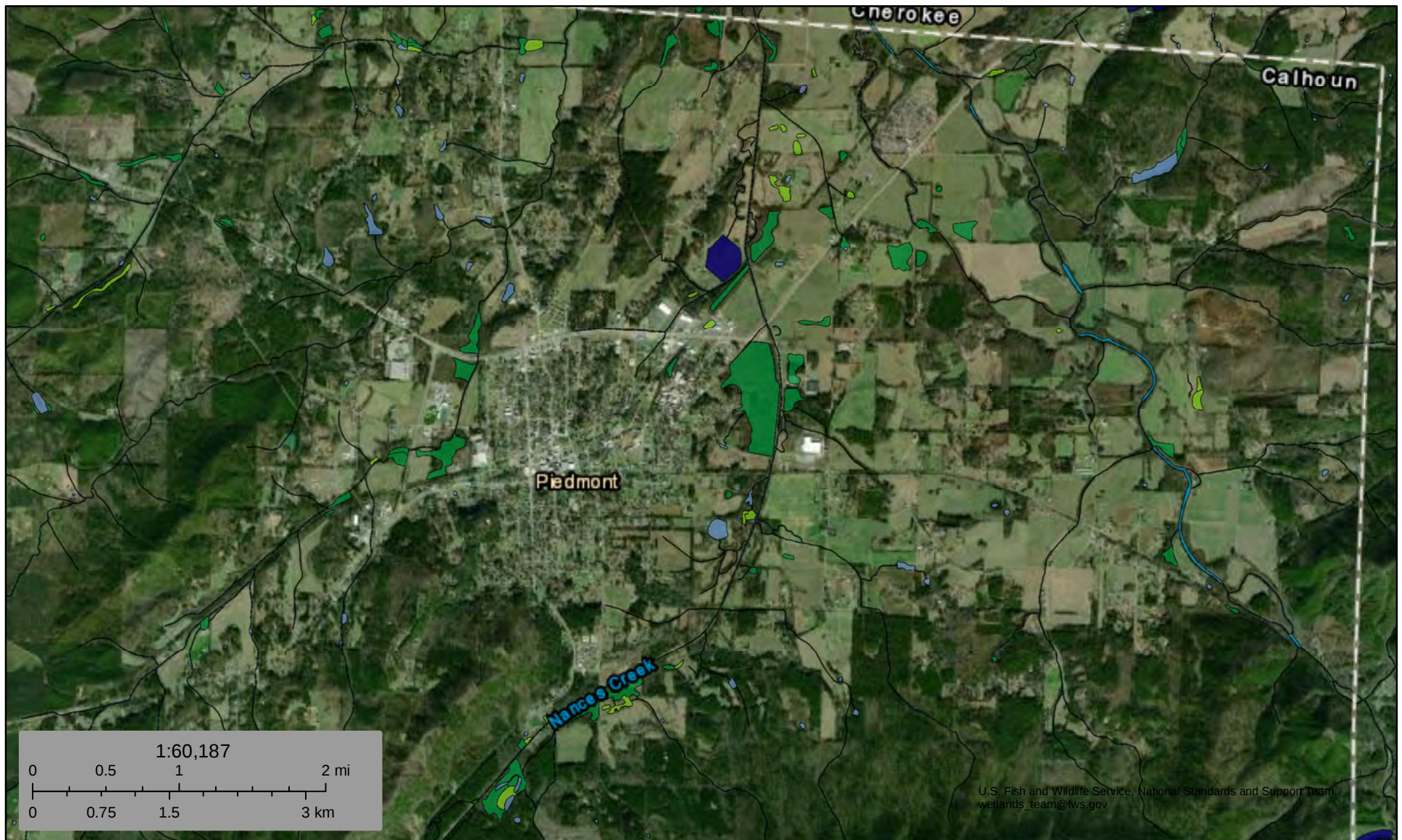


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/22/2022 at 9:25 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



October 22, 2022

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Utility Engineering Consultants, *LLC*

Phone : 205.951.3838
FAX : 205.951.3839
WEB : www.uecllc.com

130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

October 22, 2022

Ms. Lori Corley, Executive Director
East Alabama Regional Planning and Development Commission
1130 Quintard Avenue, Unit 300
Anniston, AL 35201-1220

**RE: Piedmont Water Works, Gas Sewer
Wastewater System Improvements
CWSRF Number CS010899-01**

Dear Ms. Corley:

Our project will consist of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. Center of town coordinates are 33.924931N, -85.611483W. Please see attached map for information.

This work will not impact or disturb anything except existing units inside the previously disturbed areas. We believe this project would come under NWP 58. We are including a project Location Map of the area. We respectfully request your concurrence of these projects.

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Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

By 
Dave B. Bechtel, P.E.

DBB

cc: Mr. Byrian Watts, Superintendent
 Mayor Bill Baker

Attachment: Location Map

River City Propane
Piedmont, Alabama

Sewer System Improvements

Legend

-  Dollar General Market
-  Fagan's Auto
-  Feature 1
-  Piedmont
-  Proposed Water line
-  Sewer

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N Main St

E Ladiga St

Vigo Rd

 CVG Alabama

Piedmont
Piedmont

Google Earth



3000 ft



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130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

October 22, 2022

Mr. William J. Pearson, Field Supervisor
U.S. Fish & Wildlife Service
Daphne ES Field Office
1208-B Main Street
Daphne, AL 36526

**RE: Piedmont Water Works, Gas Sewer
 Wastewater System Improvements
 CWSRF Number CS010899-01**

Dear Mr. Pearson:

Our project will consist of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. Center of town coordinates are 33.924931N, -85.611483W Please see attached map for information.

This work will not impact or disturb anything except existing units inside the previously disturbed areas. We believe this project would come under NWP 58. We are including a project Location Map of the area, Consistency Letter and Species List. We respectfully request your concurrence of these projects.

If you have any questions, please do not hesitate to call me at (205) 951-3838.

Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

By 
Dave B. Bechtel, P.E.

DBB

cc: Mr. Byrian Watts, Superintendent
 Mayor Bill Baker

Attachment: Location Map, Consistency Letter and Species List

River City Propane
Piedmont, Alabama

Sewer System Improvements

Legend

-  Dollar General Market
-  Fagan's Auto
-  Feature 1
-  Piedmont
-  Proposed Water line
-  Sewer

 Sewer Lagoon Rehabilitation, 33.939793N, -85.596293

 Sewer Line Replacement, 33.933432N, -85.610153W

 Sewer Line Rehabilitation, 33.932998N, -85.601385W

 Lift Station Rehab
 Sewer Line Replacement, 33.933153N, -85.61138

 Station Rehab

 Dollar General Market

Cedartown Hwy

Nances Creek Ind Blvd

N Main St

E Ladiga St

Vigo Rd

 CVG Alabama

3000 ft





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
Phone: (251) 441-5181 Fax: (251) 441-6222



In Reply Refer To:

October 22, 2022

Project code: 2023-0007677

Project Name: Piedmont Wastewater Improvements

Please provide this document to the Federal agency or their designee with your loan/grant application.

Subject: Consistency letter for the project named 'Piedmont Wastewater Improvements' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On October 22, 2022, Dave Bechtel used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated August 12, 2022, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named 'Piedmont Wastewater Improvements' in Calhoun County, Alabama (shown below):

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.929116750000006,-85.60600287325173,14z>



The following description was provided for the project 'Piedmont Wastewater Improvements':



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
Phone: (251) 441-5181 Fax: (251) 441-6222



In Reply Refer To:
Project Code: 2023-0007677
Project Name: Piedmont Wastewater Improvements

October 22, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Project consultation requests may be submitted by mail or email (Alabama@fws.gov). **Ensure that the Project Code in the header of this letter is clearly referenced in any request for consultation or correspondence submitted to our office.**

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Ensure that the Project Code in the header of this**

letter is clearly referenced with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Alabama Ecological Services Field Office

1208 B Main Street

Daphne, AL 36526-4419

(251) 441-5181

Project Summary

Project Code: 2023-0007677

Project Name: Piedmont Wastewater Improvements

Project Type: Wastewater Facility - Maintenance / Modification

Project Description: Install aerators and UV at lagoon. Rehabilitate existing sewers by replacement, CIPP or pipe bursting, rehabilitate lift stations

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.929116750000006,-85.60600287325173,14z>



Counties: Calhoun County, Alabama

Endangered Species Act Species

There is a total of 17 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered

Clams

NAME	STATUS
Coosa Moccasinshell <i>Medionidus parvulus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2575	Endangered
Finelined Pocketbook <i>Hamiota altilis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1393	Threatened
Ovate Clubshell <i>Pleurobema perovatum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5430	Endangered
Southern Acornshell <i>Epioblasma othcaloogensis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8469	Endangered
Southern Clubshell <i>Pleurobema decisum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6113	Endangered
Southern Pigtoe <i>Pleurobema georgianum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1520	Endangered
Triangular Kidneyshell <i>Ptychobranhus greenii</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4396	Endangered
Upland Combshell <i>Epioblasma metastriata</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/317	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Georgia Rockcress <i>Arabis georgiana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4535	Threatened
Green Pitcher-plant <i>Sarracenia oreophila</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2896	Endangered
Mohr's Barbara's Buttons <i>Marshallia mohrii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7610	Threatened
Tennessee Yellow-eyed Grass <i>Xyris tennesseensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6010	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

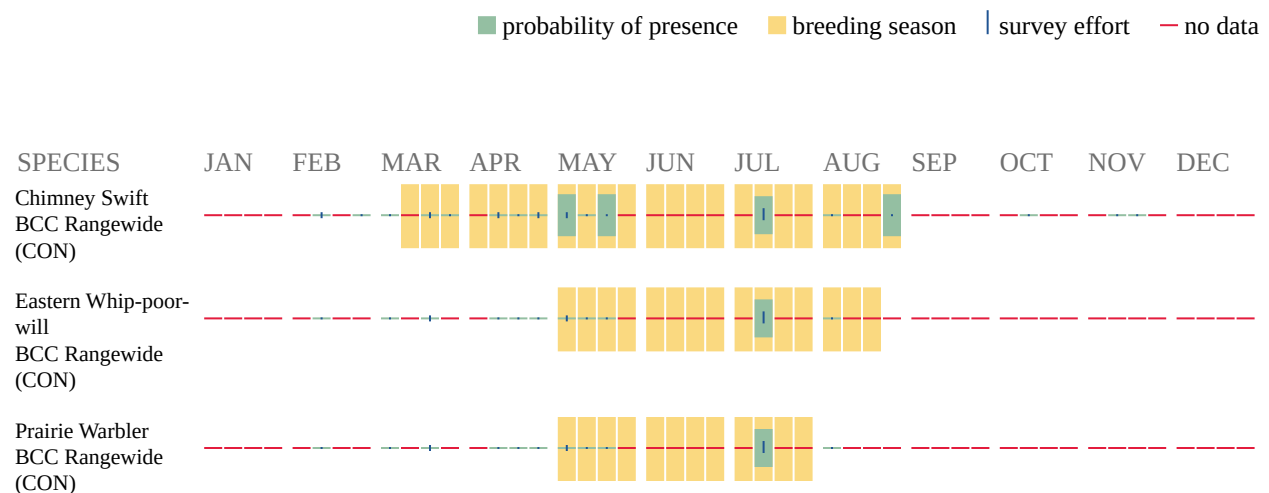
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
 2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
 3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).
-

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

LAKE

- [Lacustrine](#)

FRESHWATER EMERGENT WETLAND

- [Palustrine](#)

RIVERINE

- [Riverine](#)
-

IPaC User Contact Information

Agency: Piedmont city
Name: Dave Bechtel
Address: PO Box 19218
City: Birmingham
State: AL
Zip: 35219
Email: dbechtel@uecllc.com
Phone: 2059513838

Lead Agency Contact Information

Lead Agency: Alabama Department of Environmental Management

Install aerators and UV at lagoon. Rehabilitate existing sewers by replacement, CIPP or pipe bursting, rehabilitate lift stations

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Dave Bechtel has determined that Piedmont Wastewater Improvements will have No Effect on the species listed below.

This letter serves as documentation of your consideration of endangered species, bald eagles, and migratory birds. No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Birds

- Red-cockaded Woodpecker *Picoides borealis* Endangered

Clams

- Coosa Moccasinshell *Medionidus parvulus* Endangered
- Finelined Pocketbook *Hamiota altilis* Threatened
- Ovate Clubshell *Pleurobema perovatum* Endangered
- Southern Acornshell *Epioblasma othcaloogensis* Endangered
- Southern Clubshell *Pleurobema decisum* Endangered
- Southern Pigtoe *Pleurobema georgianum* Endangered
- Triangular Kidneyshell *Ptychobranhus greenii* Endangered
- Upland Combshell *Epioblasma metastrata* Endangered

Flowering Plants

- Georgia Rockcress *Arabis georgiana* Threatened
- Green Pitcher-plant *Sarracenia oreophila* Endangered
- Mohr's Barbara's Buttons *Marshallia mohrii* Threatened
- Tennessee Yellow-eyed Grass *Xyris tennesseensis* Endangered

Insects

- Monarch Butterfly *Danaus plexippus* Candidate

Mammals

- Gray Bat *Myotis grisescens* Endangered
 - Indiana Bat *Myotis sodalis* Endangered
 - Northern Long-eared Bat *Myotis septentrionalis* Threatened
-

Additional considerations for non-federally listed species

- **Bald Eagle Nest Issues.** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/service/3-200-71-eagle-take-associated-not-purpose-activity-incidental-take>.
- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

Dave Bechtel answered the determination key questions for this project as follows:

1. Does the project intersect Monroe County, FL?
Automatically answered
No
 2. Is the project exclusively a Federal loan transfer, where the original lending or mortgage institutions for existing project are no longer holding the loan and the property is being transferred via a federally-backed loan?
*No, this is **not** a Federal loan transfer as described above, or includes activities in addition to a Federal loan transfer.*
 3. Does the project include a federally-insured loan or federal grant funding?
Yes, the project includes a federally-insured loan or federal grant funding.
 4. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?
Yes, the entire site is already developed/hard-surfaced.
 5. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (e.g., residential, commercial and industrial sites, or utilities)?
Yes, the project includes Federal funding for work on existing facilities.
 6. Will the project significantly alter the present capacity of an existing structure?
No, this project will not alter the present capacity of any existing structure.
 7. Does your project involve structures that are being used by any federally endangered or threatened species (e.g., roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?
*No, the site and/or structure(s) are **not** being used by any federally listed species.*
-

Attachments:

- Project questionnaire
- Standard manatee construction conditions
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

Project Informational Questionnaire

As part of completing the determination key, Dave Bechtel provided the following information about their project:

1. Please describe the loan/grant program you are using
ADEM SRF ARPA Funding
 2. Which Federal Agency is the lead agency providing the funding?
U.S. Environmental Protection Agency (EPA)
 3. Which types of activities you will be conducting:
Rehabilitation
 4. Which types of structures this funding will address:
Wastewater treatment facility
 5. Please describe the activity you will be conducting:
Rehabilitate sewer lagoon, lift stations and sewer lines
 6. How many square feet of facilities will be affected by this project?
5000
 7. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?
None of the above
-

Determination Key Description: Clearance To Proceed With Federally-Insured Loan And Grant Project Requests

This key was last updated in IPaC on August 12, 2022. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant requests for projects that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally backed loans. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utilities projects such as water and wastewater treatment facilities, sewer or power line repair, etc.

The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 et seq.).

Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs, which may be managed by Florida's Department of Economic Opportunity;
 2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
 3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
 4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
 5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and
-

6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, managed by Florida Department of Environmental Protection.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests in all cities and unincorporated areas throughout Florida, with the exception of Monroe County.

This guidance is based on the signed letters:

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Florida.

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

IPaC User Contact Information

Agency: Piedmont city
Name: Dave Bechtel
Address: PO Box 19218
City: Birmingham
State: AL
Zip: 35219
Email: dbechtel@uecllc.com
Phone: 2059513838

Lead Agency Contact Information

Lead Agency: Alabama Department of Environmental Management
Name: Corynella Price
Email: clp@adem.alabama.gov
Phone: 3342717864

EXHIBIT B



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
VESTAVIA HILLS, AL 35216

November 18, 2022

North Branch
Regulatory Division

SUBJECT: Department of the Army, Pre-Application Consultation, File Number SAM-2022-01059-MNS, CWSRF Number CS010899-01, Wastewater System Improvements, Piedmont Water Works, Gas Sewer, Piedmont, Calhoun County, Alabama.

Piedmont Water Works, Gas Sewer
Wastewater System Improvements, CWSRF Number CS010899-01
Utility Engineering Consultants, LLC
Attention: Mr. Dave B. Bechtel, P.E.
130 Southcrest Drive, suite 100
Homewood, Alabama 35209

Transmitted electronically to: dbechtel@uecllc.com

Dear Mr. Bechtel:

This is in response to your letter on behalf of Piedmont WaterWorks, Gas Sewer, dated October 22, 2022, requesting Department of Army (DA), U.S. Army Corps of Engineers (USACE) review of the proposed wastewater system improvements project. This project consists of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. The approximate center coordinate of the work area is latitude 33.93392 North, longitude -85.608186 West. This project has been assigned file number SAM-2022-01059, which should be referred to in all future correspondence regarding this project.

Section 404 of the Clean Water Act (33 U.S.C. 1344) specifically addresses discharges of dredged and/or fill material into waters of the United States (U.S.), including wetlands, and requires that a Department of the Army (DA) permit must be obtained prior to conducting any work that would include a discharge of dredged and/or fill material into waters of the U.S. However, as indicated in your letter, the rehabilitation of the Lift Stations located inside the city limits and the rehabilitation of the sewage lagoon, will not result in impacts to waters of the U.S. including streams or wetland.

A review of the information you submitted indicates a department of the Army Permit pursuant to Section 404 of the Clean Water Act **will not be required** for the rehabilitation of the Lift Stations and the sewage lagoon. However, it appears there may be waters of the U.S. within the area of rehabilitation and replacement of sewer

lines, that may be impacted by this activity. A DA permit pursuant to Section 404 of the Clean Water Act will not be required if directional bore is implemented in crossing waters of the U.S.

Should any wetland resources be identified within the project alignment, during construction, that would be impacted by other methods of wastewater pipeline installation, such as open trench methods, Nationwide Permit 58 (NWP 58) for Utility Line Activities for Water and Other Substances may be applicable to the proposed work. A copy of NWP 58 is enclosed for reference as further planning for project implementation is undertaken. NWP 58 Notification requires applicants to submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge will result in the loss of greater than 1/10-acre of waters of the U.S. including wetlands.

You may need to coordinate with us in the future if the scope of work and/or construction activities and methods would be modified or increased in such a way that impacts to jurisdictional waters of the U.S. will be required. **Section 404 of the Clean Water Act requires that a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344).**

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property or obviate the requirements to obtain other local, State, or Federal assents required by law for the activities discussed above. If the scope of work or project locations change, you are urged to contact this office for a verification of this determination.

We appreciate your cooperation with the USACE Regulatory Program. Please contact me at munther.n.sahawneh@usace.army.mil or (251) 694-3702, if you have any questions concerning this matter. For additional information about our Regulatory Program, visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>. Also, please take a moment to complete our customer satisfaction survey located under the Menu header on the right side of our webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Munther N. Sahawneh
North Branch
Regulatory Division

Enclosures



ALABAMA HISTORICAL COMMISSION

468 South Perry Street
Montgomery, Alabama 36130-0900

Lisa D. Jones
Executive Director
State Historic Preservation Officer

Tel: 334-242-3184
Fax: 334-242-1083

October 26, 2022

Dave Bechtel
Utility Engineering Consultants
130 Southcrest Drive Suite 100
Homewood, AL 35209

Re: AHC 23-0095
Wastewater System Improvements-Piedmont Water Works, Gas Sewer
Calhoun County

Dear Mr. Bechtel:

We concur with the above referenced project provided all construction activities will occur within **existing and previously disturbed** highway right-of-way and/or other previously disturbed areas. For the purposes of this letter, previous disturbance is defined as mechanical disturbance to either culturally sterile subsoil, or the maximum depth of the proposed undertaking. It should be noted that agricultural plowing does not typically meet this threshold of disturbance, nor do previously undisturbed portions of the ROW that require clearing of additional vegetation. Any area that is to be involved and does not fall into one of the above categories will require a cultural resource assessment by a professional archaeologist. Submit the resulting report to our office for review and determination prior to project initiation.

Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The federal agency or the applicant receiving federal assistance should contact our office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (*Code of Alabama* 1975, §13A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed. This stipulation shall be placed on the construction plans to ensure contractors are aware of it.

We appreciate your commitment to helping us preserve Alabama's historic archaeological and architectural resources. Should you have any questions, please contact Amanda McBride at 334.230.2692 or Amanda.McBride@ahc.alabama.gov. Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

Lee Anne Wofford
Deputy State Historic Preservation Officer

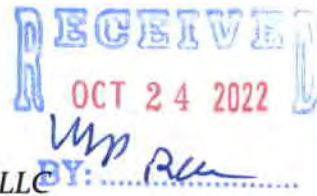
LAW/AMH/nj



Utility Engineering Consultants, LLC

Phone : 205.951.3838
FAX : 205.951.3839
WEB : www.uecllc.com

130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219



2023-0007677

October 22, 2022

Mr. William J. Pearson, Field Supervisor
U.S. Fish & Wildlife Service
Daphne ES Field Office
1208-B Main Street
Daphne, AL 36526

**RE: Piedmont Water Works, Gas Sewer
Wastewater System Improvements
CWSRF Number CS010899-01**

Dear Mr. Pearson:

Our project will consist of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. Center of town coordinates are 33.924931N, -85.611483W. Please see attached map for information.

This work will not impact or disturb anything except existing units inside the previously disturbed areas. We believe this project would come under NWP 58. We are including a project Location Map of the area, Consistency Letter and Species List. We respectfully request your concurrence of these projects.

If you have any questions, please do not hesitate to call me at (205) 951-3838.

Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

By 
Dave B. Bechtel, P.E.

DBB

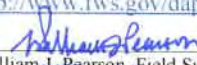
cc: Mr. Byrian Watts, Superintendent
Mayor Bill Baker

Attachment: Location Map, Consistency Letter and Species List



U.S. Fish and Wildlife Service
1208-B Main Street – Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>)


William J. Pearson, Field Supervisor

Field Supervisor
Alabama Ecological Services Field Office

Date

NOV 01 2022

3

Alabama

Improvements



Nationwide Permit 58 - Utility Line Activities for Water and Other Substances

Effective Date: March 15, 2021; Expiration Date: March 14, 2026

(NWP Final Notice, 86 FR 2744)

Nationwide Permit 58 - Utility Line Activities for Water and Other Substances.

Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by NWPs 12 or 57, respectively. This NWP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this NWP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term “utility line” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This NWP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the utility line is constructed, installed, or maintained in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 5: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

2021 Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific

conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. **Removal of Temporary Structures and Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.** (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA

section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where

"take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate

documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address

documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.** (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401,

a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the

certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. **Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. **Pre-Construction Notification.** (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33

CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.
- (ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.
- (iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided

results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will

consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

2021 District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district

engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant

submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

2021 Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

2021 Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat

type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The

request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable

substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef,

permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

ADDITIONAL INFORMATION

Information about the U.S. Army Corps of Engineers Regulatory Program, including nationwide permits, may also be accessed at
<http://www.swt.usace.army.mil/Missions/Regulatory.aspx> or
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
Phone: (251) 441-5181 Fax: (251) 441-6222



In Reply Refer To:

October 22, 2022

Project code: 2023-0007677

Project Name: Piedmont Wastewater Improvements

Please provide this document to the Federal agency or their designee with your loan/grant application.

Subject: Consistency letter for the project named 'Piedmont Wastewater Improvements' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On October 22, 2022, Dave Bechtel used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated August 12, 2022, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named 'Piedmont Wastewater Improvements' in Calhoun County, Alabama (shown below):

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.929116750000006,-85.60600287325173,14z>



The following description was provided for the project 'Piedmont Wastewater Improvements':

Install aerators and UV at lagoon. Rehabilitate existing sewers by replacement, CIPP or pipe bursting, rehabilitate lift stations

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Dave Bechtel has determined that Piedmont Wastewater Improvements will have No Effect on the species listed below.

This letter serves as documentation of your consideration of endangered species, bald eagles, and migratory birds. No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Birds

- Red-cockaded Woodpecker *Picoides borealis* Endangered

Clams

- Coosa Moccasinshell *Medionidus parvulus* Endangered
- Finelined Pocketbook *Hamiota altilis* Threatened
- Ovate Clubshell *Pleurobema perovatum* Endangered
- Southern Acornshell *Epioblasma othcaloogensis* Endangered
- Southern Clubshell *Pleurobema decisum* Endangered
- Southern Pigtoe *Pleurobema georgianum* Endangered
- Triangular Kidneyshell *Ptychobranhus greenii* Endangered
- Upland Combshell *Epioblasma metastrata* Endangered

Flowering Plants

- Georgia Rockcress *Arabis georgiana* Threatened
- Green Pitcher-plant *Sarracenia oreophila* Endangered
- Mohr's Barbara's Buttons *Marshallia mohrii* Threatened
- Tennessee Yellow-eyed Grass *Xyris tennesseensis* Endangered

Insects

- Monarch Butterfly *Danaus plexippus* Candidate

Mammals

- Gray Bat *Myotis grisescens* Endangered
 - Indiana Bat *Myotis sodalis* Endangered
 - Northern Long-eared Bat *Myotis septentrionalis* Threatened
-

Additional considerations for non-federally listed species

- **Bald Eagle Nest Issues.** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/service/3-200-71-eagle-take-associated-not-purpose-activity-incidental-take>.
- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

Dave Bechtel answered the determination key questions for this project as follows:

1. Does the project intersect Monroe County, FL?
Automatically answered
No
 2. Is the project exclusively a Federal loan transfer, where the original lending or mortgage institutions for existing project are no longer holding the loan and the property is being transferred via a federally-backed loan?
*No, this is **not** a Federal loan transfer as described above, or includes activities in addition to a Federal loan transfer.*
 3. Does the project include a federally-insured loan or federal grant funding?
Yes, the project includes a federally-insured loan or federal grant funding.
 4. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?
Yes, the entire site is already developed/hard-surfaced.
 5. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (e.g., residential, commercial and industrial sites, or utilities)?
Yes, the project includes Federal funding for work on existing facilities.
 6. Will the project significantly alter the present capacity of an existing structure?
No, this project will not alter the present capacity of any existing structure.
 7. Does your project involve structures that are being used by any federally endangered or threatened species (e.g., roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?
*No, the site and/or structure(s) are **not** being used by any federally listed species.*
-

Attachments:

- Project questionnaire
- Standard manatee construction conditions
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

Project Informational Questionnaire

As part of completing the determination key, Dave Bechtel provided the following information about their project:

1. Please describe the loan/grant program you are using
ADEM SRF ARPA Funding
 2. Which Federal Agency is the lead agency providing the funding?
U.S. Environmental Protection Agency (EPA)
 3. Which types of activities you will be conducting:
Rehabilitation
 4. Which types of structures this funding will address:
Wastewater treatment facility
 5. Please describe the activity you will be conducting:
Rehabilitate sewer lagoon, lift stations and sewer lines
 6. How many square feet of facilities will be affected by this project?
5000
 7. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?
None of the above
-

Determination Key Description: Clearance To Proceed With Federally-Insured Loan And Grant Project Requests

This key was last updated in IPaC on August 12, 2022. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant requests for projects that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally backed loans. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utilities projects such as water and wastewater treatment facilities, sewer or power line repair, etc.

The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 et seq.).

Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs, which may be managed by Florida's Department of Economic Opportunity;
 2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
 3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
 4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
 5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and
-

6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, managed by Florida Department of Environmental Protection.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests in all cities and unincorporated areas throughout Florida, with the exception of Monroe County.

This guidance is based on the signed letters:

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Florida.

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

IPaC User Contact Information

Agency: Piedmont city
Name: Dave Bechtel
Address: PO Box 19218
City: Birmingham
State: AL
Zip: 35219
Email: dbechtel@uecllc.com
Phone: 2059513838

Lead Agency Contact Information

Lead Agency: Alabama Department of Environmental Management
Name: Corynella Price
Email: clp@adem.alabama.gov
Phone: 3342717864



EAST ALABAMA

REGIONAL PLANNING AND DEVELOPMENT COMMISSION

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Lori Hodge Corley
Executive Director

October 31, 2022

Dave Bechtel, P.E.
Utility Engineering Consultants LLC
130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

Re: Intergovernmental Concurrence Review – Piedmont Water Works, Gas and Sewer-
Wastewater System Improvements CWSRF Number CS010899-01

Dear Mr. Bechtel,

The East Alabama Regional Planning and Development Commission is aware that the Piedmont Water Works, Gas and Sewer is rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama.

On behalf of the Board of the East Alabama Regional Planning and Development Commission, our planning staff has evaluated the effects of this project and any other planned projects occurring in the project area. We have determined that this project is compatible with the Comprehensive Economic Development Strategy for the East Alabama Region, and we concur with it contingent upon the project water system improvements reflecting the documents provided to us.

Good luck with this project.

Sincerely,

Lori Corley
Executive Director



Chair
DONNA McKAY
Mayor, Town of Wadley

Vice-Chair
RICHARD DEAN
Probate Judge, Coosa County

Secretary
WILLIAM "BILL" BAKER
Mayor, City of Piedmont

Treasurer
LEW WATSON
Mayor, City of Lincoln

Calhoun Chambers Cherokee Clay Cleburne Coosa Etowah Randolph Talladega Tallapoosa





Utility Engineering Consultants, LLC

Phone : 205.951.3838
FAX : 205.951.3839
WEB : www.uecllc.com

130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

October 22, 2022

Ms. Lori Corley, Executive Director
East Alabama Regional Planning and Development Commission
1130 Quintard Avenue, Unit 300
Anniston, AL 35201-1220

**RE: Piedmont Water Works, Gas Sewer
Wastewater System Improvements
CWSRF Number CS010899-01**

Dear Ms. Corley:

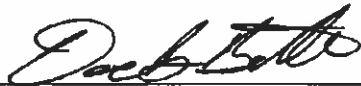
Our project will consist of rehabilitating the Lift Stations located inside the city limits, rehabilitate sewage lagoon, and rehabilitate sewer lines in Piedmont, Calhoun County, Alabama. Center of town coordinates are 33.924931N, -85.611483W. Please see attached map for information.

This work will not impact or disturb anything except existing units inside the previously disturbed areas. We believe this project would come under NWP 58. We are including a project Location Map of the area. We respectfully request your concurrence of these projects.

If you have any questions, please do not hesitate to call me at (205) 951-3838.

Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

By 
Dave B. Bechtel, P.E.

DBB

cc: Mr. Bryan Watts, Superintendent
Mayor Bill Baker

Attachment: Location Map

Piedmont, Alabama

Sewer System Improvements

Legend

- Dollar General Market
- Fagan's Auto
- Feature 1
- Piedmont
- Proposed Water line
- Sewer

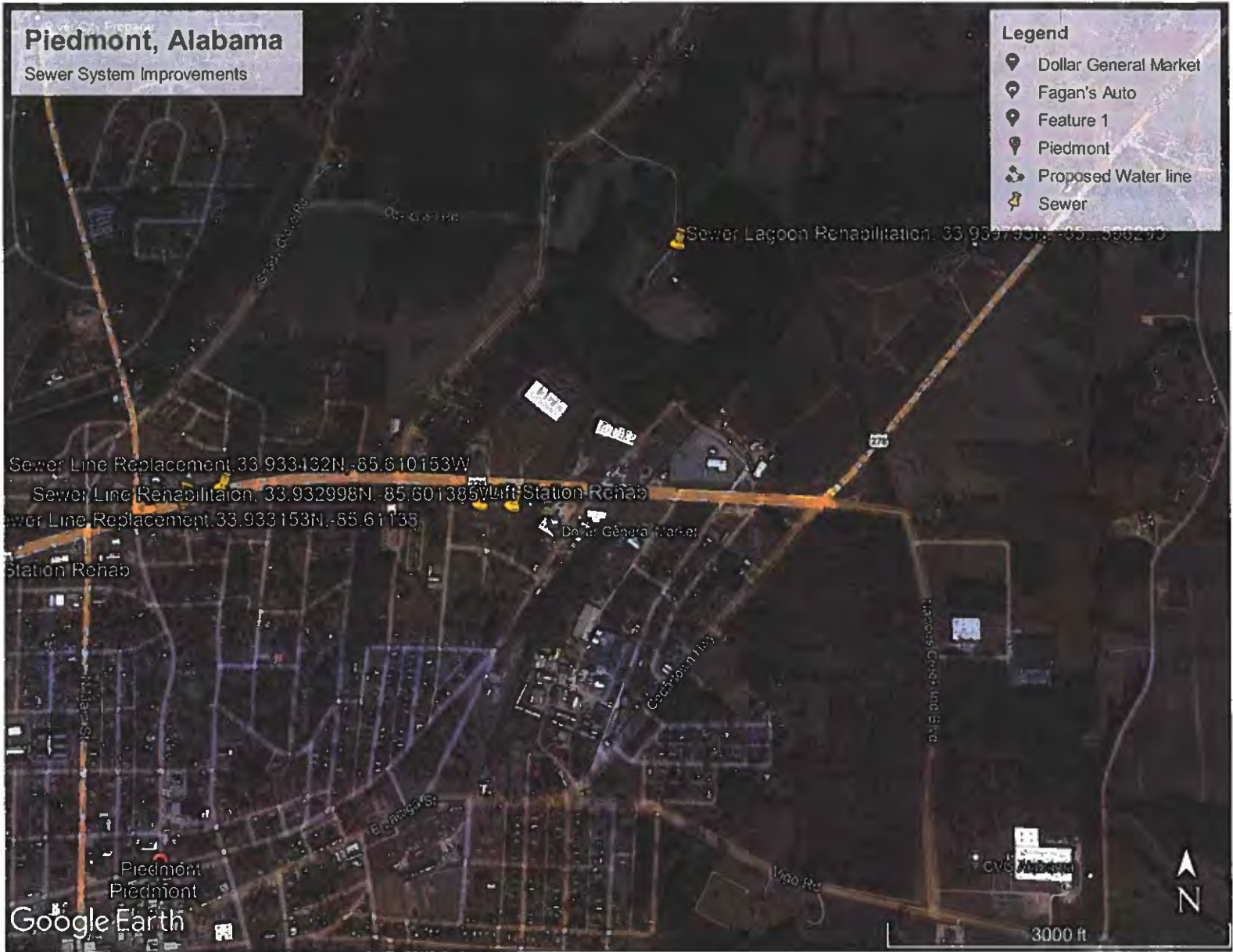
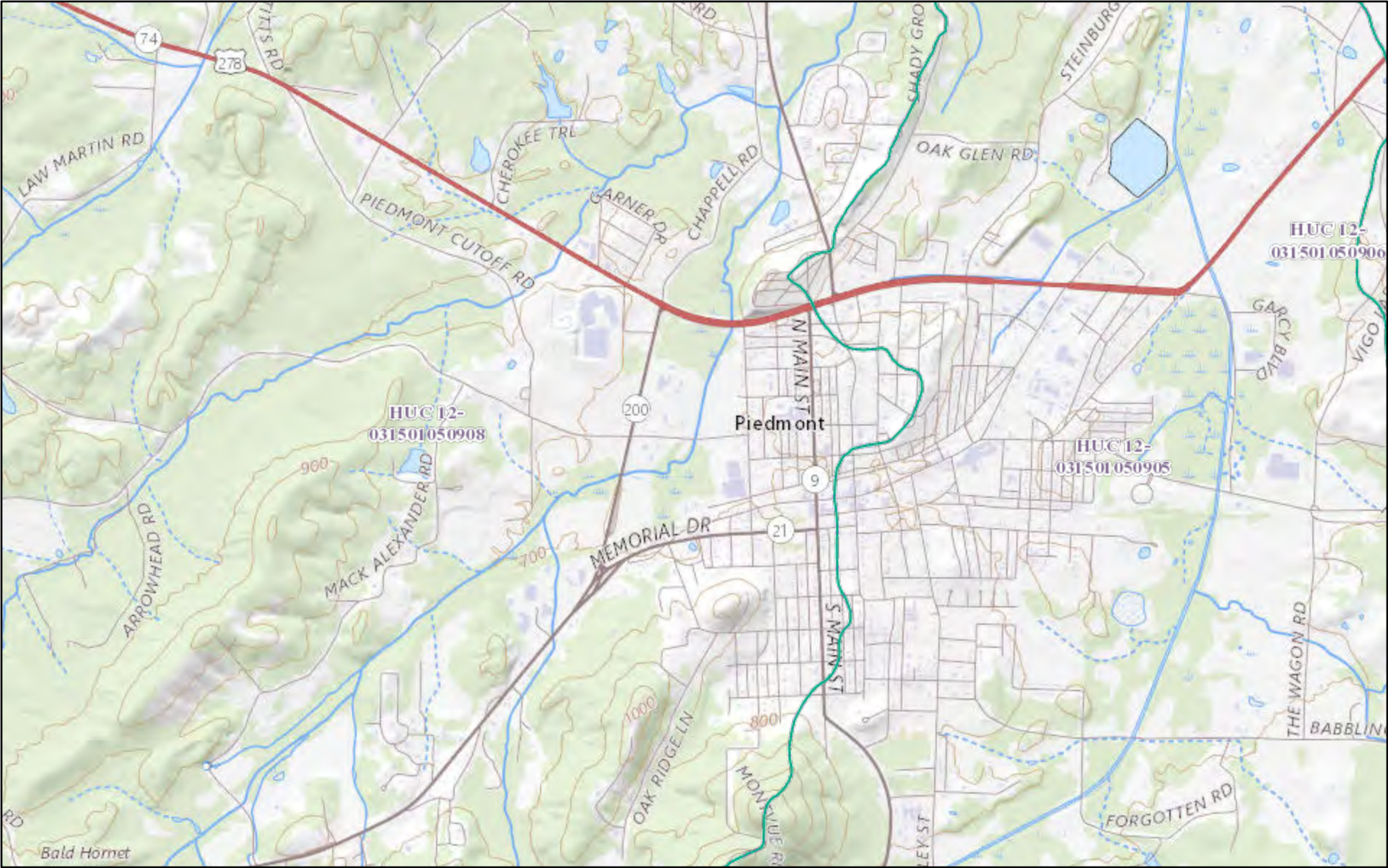


EXHIBIT C

CWSRF Watershed Map



October 22, 2022

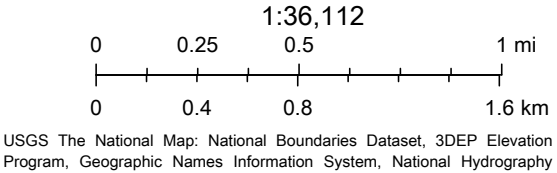
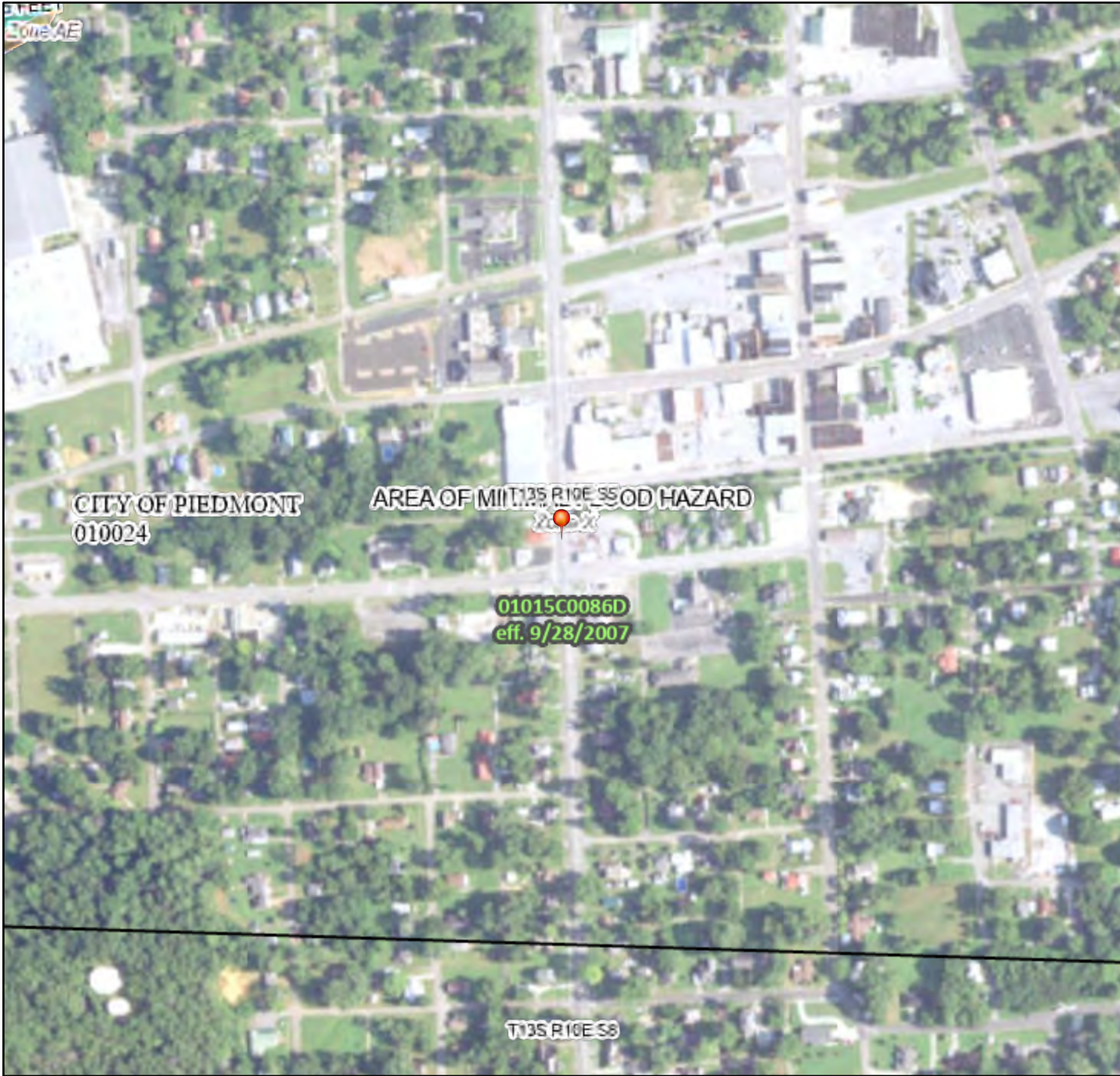


EXHIBIT D

National Flood Hazard Layer FIRMMette



85°37'7"W 33°55'34"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000 85°36'30"W 33°55'4"N
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/22/2022 at 9:25 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

EXHIBIT E

River City Propane
Piedmont, Alabama

Sewer System Improvements

Legend

-  Dollar General Market
-  Fagan's Auto
-  Feature 1
-  Piedmont
-  Proposed Water line
-  Sewer

 Sewer Lagoon Rehabilitation, 33.939793N, -85.596293

 Sewer Line Replacement, 33.933432N, -85.610153W

 Sewer Line Rehabilitation, 33.932998N, -85.601385W  Lift Station Rehab

 Sewer Line Replacement, 33.933153N, -85.61138

 Station Rehab

 Dollar General Market

Cedartown Hwy

Nances Creek Ind Blvd

N Main St

E Ladiga St

Vigo Rd

CVG Alabama

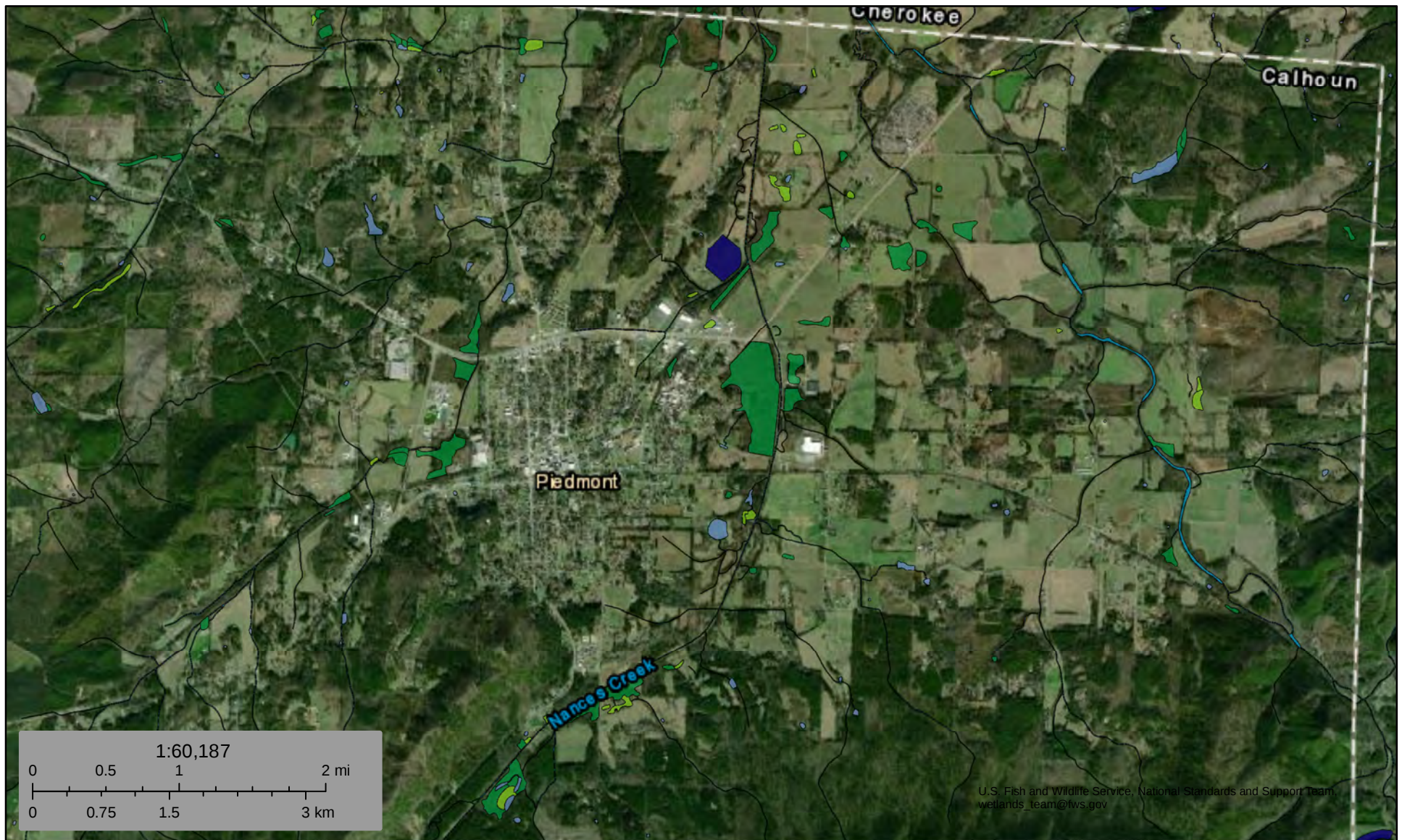
Piedmont
Piedmont

Google Earth

3000 ft



EXHIBIT F



October 22, 2022

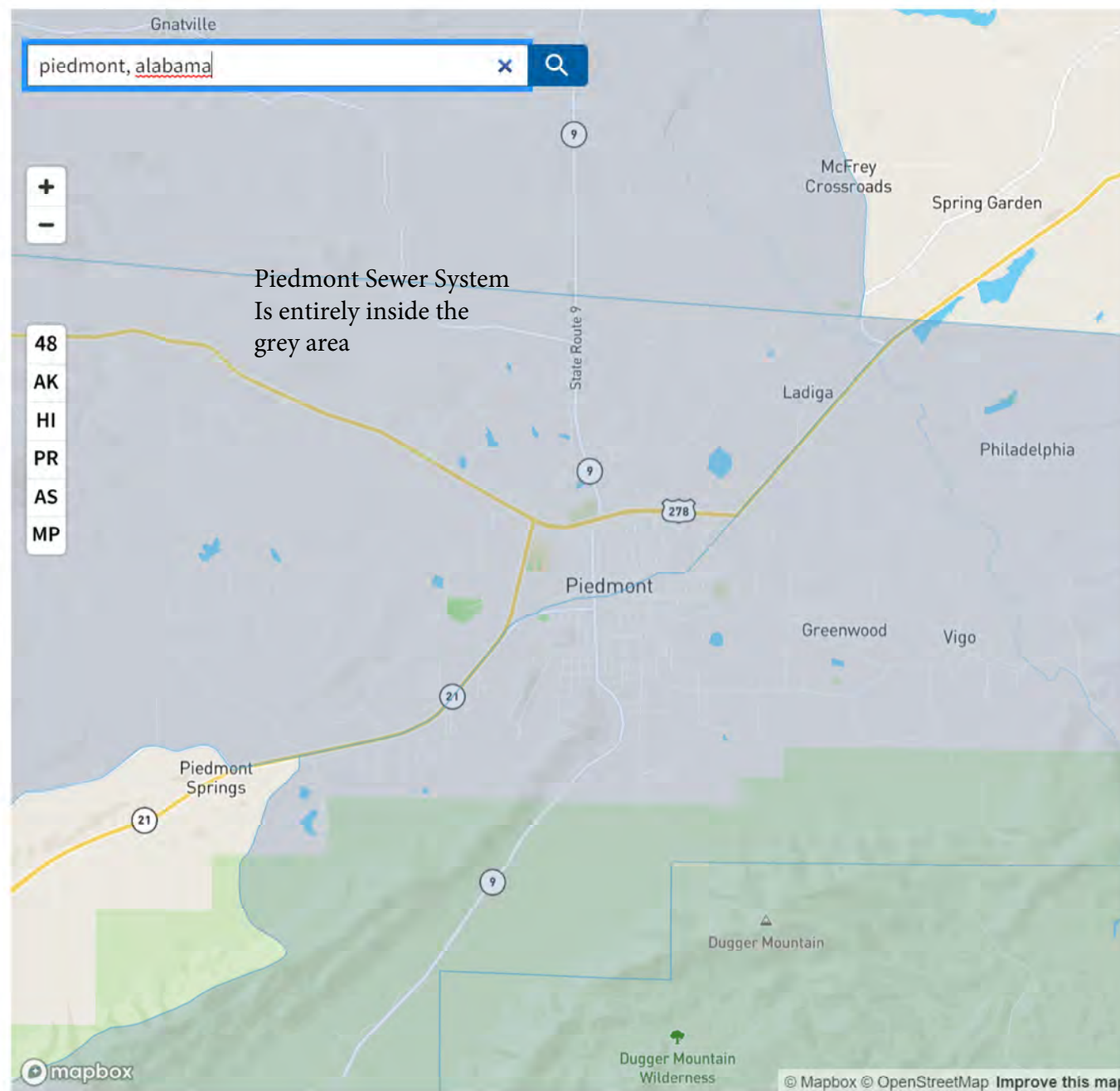
Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

EXHIBIT G

map on the [Methodology & data](#) page.



Things to know

This tool identifies communities that are marginalized, underserved, and overburdened by pollution. These communities are located in census tracts that are at or above the thresholds in one or more of eight categories of criteria.

Zoom in or search and select to see data about any census tract of interest



The tool uses census tracts that represent about 4,000 people, which is the smallest unit of geography for which consistent data can be displayed on the map.



EXHIBIT H



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
Phone: (251) 441-5181 Fax: (251) 441-6222



In Reply Refer To:

October 22, 2022

Project code: 2023-0007677

Project Name: Piedmont Wastewater Improvements

Please provide this document to the Federal agency or their designee with your loan/grant application.

Subject: Consistency letter for the project named 'Piedmont Wastewater Improvements' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On October 22, 2022, Dave Bechtel used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated August 12, 2022, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named 'Piedmont Wastewater Improvements' in Calhoun County, Alabama (shown below):

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.929116750000006,-85.60600287325173,14z>



The following description was provided for the project 'Piedmont Wastewater Improvements':

Install aerators and UV at lagoon. Rehabilitate existing sewers by replacement, CIPP or pipe bursting, rehabilitate lift stations

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Dave Bechtel has determined that Piedmont Wastewater Improvements will have No Effect on the species listed below.

This letter serves as documentation of your consideration of endangered species, bald eagles, and migratory birds. No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Birds

- Red-cockaded Woodpecker *Picoides borealis* Endangered

Clams

- Coosa Moccasinshell *Medionidus parvulus* Endangered
- Finelined Pocketbook *Hamiota altilis* Threatened
- Ovate Clubshell *Pleurobema perovatum* Endangered
- Southern Acornshell *Epioblasma othcaloogensis* Endangered
- Southern Clubshell *Pleurobema decisum* Endangered
- Southern Pigtoe *Pleurobema georgianum* Endangered
- Triangular Kidneyshell *Ptychobranhus greenii* Endangered
- Upland Combshell *Epioblasma metastrata* Endangered

Flowering Plants

- Georgia Rockcress *Arabis georgiana* Threatened
- Green Pitcher-plant *Sarracenia oreophila* Endangered
- Mohr's Barbara's Buttons *Marshallia mohrii* Threatened
- Tennessee Yellow-eyed Grass *Xyris tennesseensis* Endangered

Insects

- Monarch Butterfly *Danaus plexippus* Candidate

Mammals

- Gray Bat *Myotis grisescens* Endangered
 - Indiana Bat *Myotis sodalis* Endangered
 - Northern Long-eared Bat *Myotis septentrionalis* Threatened
-

Additional considerations for non-federally listed species

- **Bald Eagle Nest Issues.** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/service/3-200-71-eagle-take-associated-not-purpose-activity-incidental-take>.
- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

Dave Bechtel answered the determination key questions for this project as follows:

1. Does the project intersect Monroe County, FL?
Automatically answered
No
 2. Is the project exclusively a Federal loan transfer, where the original lending or mortgage institutions for existing project are no longer holding the loan and the property is being transferred via a federally-backed loan?
*No, this is **not** a Federal loan transfer as described above, or includes activities in addition to a Federal loan transfer.*
 3. Does the project include a federally-insured loan or federal grant funding?
Yes, the project includes a federally-insured loan or federal grant funding.
 4. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?
Yes, the entire site is already developed/hard-surfaced.
 5. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (e.g., residential, commercial and industrial sites, or utilities)?
Yes, the project includes Federal funding for work on existing facilities.
 6. Will the project significantly alter the present capacity of an existing structure?
No, this project will not alter the present capacity of any existing structure.
 7. Does your project involve structures that are being used by any federally endangered or threatened species (e.g., roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?
*No, the site and/or structure(s) are **not** being used by any federally listed species.*
-

Attachments:

- Project questionnaire
- Standard manatee construction conditions
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

Project Informational Questionnaire

As part of completing the determination key, Dave Bechtel provided the following information about their project:

1. Please describe the loan/grant program you are using
ADEM SRF ARPA Funding
 2. Which Federal Agency is the lead agency providing the funding?
U.S. Environmental Protection Agency (EPA)
 3. Which types of activities you will be conducting:
Rehabilitation
 4. Which types of structures this funding will address:
Wastewater treatment facility
 5. Please describe the activity you will be conducting:
Rehabilitate sewer lagoon, lift stations and sewer lines
 6. How many square feet of facilities will be affected by this project?
5000
 7. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?
None of the above
-

Determination Key Description: Clearance To Proceed With Federally-Insured Loan And Grant Project Requests

This key was last updated in IPaC on August 12, 2022. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant requests for projects that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally backed loans. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utilities projects such as water and wastewater treatment facilities, sewer or power line repair, etc.

The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 et seq.).

Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs, which may be managed by Florida's Department of Economic Opportunity;
 2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
 3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
 4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
 5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and
-

6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, managed by Florida Department of Environmental Protection.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests in all cities and unincorporated areas throughout Florida, with the exception of Monroe County.

This guidance is based on the signed letters:

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Florida.

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

IPaC User Contact Information

Agency: Piedmont city
Name: Dave Bechtel
Address: PO Box 19218
City: Birmingham
State: AL
Zip: 35219
Email: dbechtel@uecllc.com
Phone: 2059513838

Lead Agency Contact Information

Lead Agency: Alabama Department of Environmental Management
Name: Corynella Price
Email: clp@adem.alabama.gov
Phone: 3342717864



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
Phone: (251) 441-5181 Fax: (251) 441-6222



In Reply Refer To:
Project Code: 2023-0007677
Project Name: Piedmont Wastewater Improvements

October 22, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Project consultation requests may be submitted by mail or email (Alabama@fws.gov). **Ensure that the Project Code in the header of this letter is clearly referenced in any request for consultation or correspondence submitted to our office.**

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Ensure that the Project Code in the header of this**

letter is clearly referenced with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Alabama Ecological Services Field Office

1208 B Main Street

Daphne, AL 36526-4419

(251) 441-5181

Project Summary

Project Code: 2023-0007677

Project Name: Piedmont Wastewater Improvements

Project Type: Wastewater Facility - Maintenance / Modification

Project Description: Install aerators and UV at lagoon. Rehabilitate existing sewers by replacement, CIPP or pipe bursting, rehabilitate lift stations

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.929116750000006,-85.60600287325173,14z>



Counties: Calhoun County, Alabama

Endangered Species Act Species

There is a total of 17 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered

Clams

NAME	STATUS
Coosa Moccasinshell <i>Medionidus parvulus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2575	Endangered
Finelined Pocketbook <i>Hamiota altilis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1393	Threatened
Ovate Clubshell <i>Pleurobema perovatum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5430	Endangered
Southern Acornshell <i>Epioblasma othcaloogensis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8469	Endangered
Southern Clubshell <i>Pleurobema decisum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6113	Endangered
Southern Pigtoe <i>Pleurobema georgianum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1520	Endangered
Triangular Kidneyshell <i>Ptychobranhus greenii</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4396	Endangered
Upland Combshell <i>Epioblasma metastriata</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/317	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Georgia Rockcress <i>Arabis georgiana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4535	Threatened
Green Pitcher-plant <i>Sarracenia oreophila</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2896	Endangered
Mohr's Barbara's Buttons <i>Marshallia mohrii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7610	Threatened
Tennessee Yellow-eyed Grass <i>Xyris tennesseensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6010	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

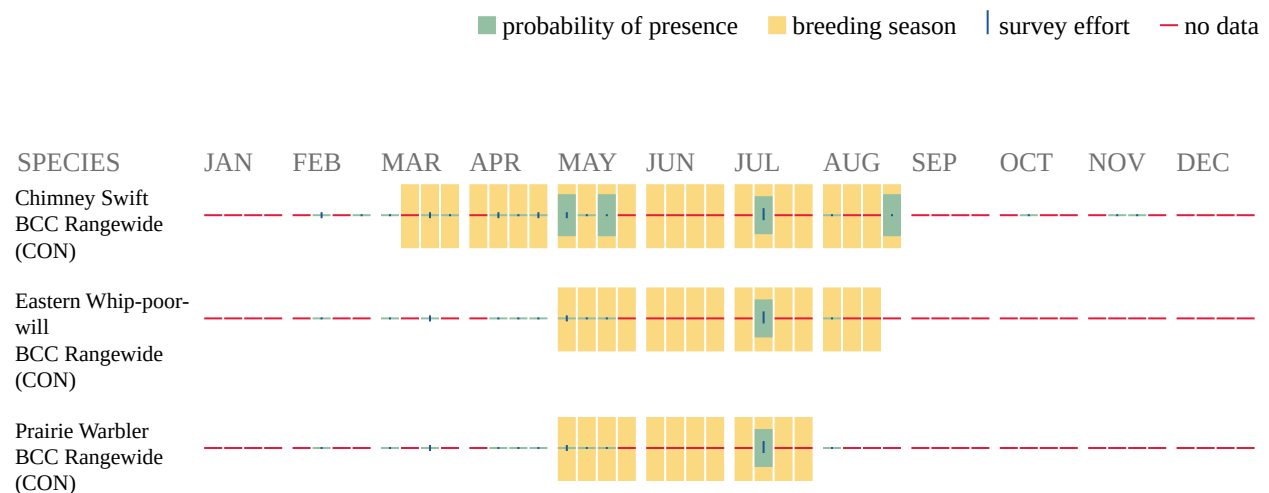
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
 2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
 3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).
-

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

LAKE

- [Lacustrine](#)

FRESHWATER EMERGENT WETLAND

- [Palustrine](#)

RIVERINE

- [Riverine](#)
-

IPaC User Contact Information

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Lead Agency Contact Information

Lead Agency: Alabama Department of Environmental Management

EXHIBIT I

**PIEDMONT WATERWORKS, GAS AND SEWER BOARD
WASTEWATER IMPROVEMENTS
MINUTES**

**CLEAN WATER STATE REVOLVING FUNDS
PROJECT NUMBER CS010899-01
PUBLIC MEETING DISCUSSION
DECEMBER 14, 2022 AT 5:00 P.M.**

- I. Introduction
- II. Project Funded by Alabama Department of Environmental Management Clean Water State Revolving Fund Program.
- III. Project Description
 - A. Rehabilitate of wastewater lagoons
 - B. Rehabilitation of sewer lines
- IV. Statements - Discussion
 - A. Project Amount - \$1,075,500.00
 - B. Install UV at lagoon for disinfection
 - C. Install aerators for permit requirements
 - D. Rehabilitate sewer lines
 - E. Rehabilitate manholes
- V. Adjourn

NEWS JOURNAL

State of Alabama Calhoun/Cleburne County

PUBLIC MEETING NOTICE

The City of Piedmont will be hosting a Public Meeting on Wednesday, December 14, 2022, at 5:00 p.m. The meeting will be held at the Piedmont City Council Chambers located at 312 North Center Avenue, Piedmont, Alabama 36272. The Public Meeting will be held to receive comments on the SRF Applications and Environmental Facilities Plan for the Clean Water State Revolving Fund (CWSRF) Loan -Project No. CS010899-01. The Environmental Information Document (EID) describing the project will be available for review at the City of Piedmont Water Works, Gas and Sewer Board located at 128 South Center Avenue, Piedmont, Alabama 36272 during regular business hours.

The News Journal
Calhoun/Cleburne Co., AL
November 2, 9, 16, 23, 2022

Before me, a notary public in and for the county and state above listed, personally appeared Debbie Bussie, who, by me duly sworn, deposes and says that: "My name is Debbie Bussie. I am the clerk of the News Journal. The Newspaper published the attached legal notice(s) in the issue(s) of:

November 2, 2022

November 16, 2022

November 9, 2022

November 23, 2022

The sum charged for publication was \$ 279.20. The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice(s) appeared. There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney."

Debbie Bussie

AFFIANT

Sworn and subscribed this 23 day of November, 2022.

Candace Nesly
Notary Public

Ad# 399793



**SIGN-IN LIST
FOR
PUBLIC HEARING
PIEDMONT WATER WORKS, GAS AND SEWER
CLEAN WATER STATE REVOLVING FUND (CWSRF) APPLICATION
PROJECT CS010899-01
WEDNESDAY, DECEMBER 14, 2022, AT 5:00 P.M.**

NAME

Dave Bechtel

Dynegy USA/2

Carl Yost

Bill Baker